ESSEX SS.

TO: ONE OF THE CONSTABLES FOR THE TOWN OF NEWBURY, MASSACHUSETTS

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE NEWBURY ELEMENTARY SCHOOL AT 63 HANOVER STREET IN SAID TOWN OF NEWBURY ON TUESDAY, THE 12TH DAY OF NOVEMBER 2019 AT 7:00 P.M. TO ACT ON THE FOLLOWING ARTICLES, VIZ:

APPROPRIATIONS

ARTICLE 1. To receive the reports of the Selectmen, School Committee, Regular and Special Committees, and all other Town Officers, or take any other action in relation thereto.

ARTICLE 2. To see if the Town will appropriate the sum of $1,730,000.00 or any other amount, to pay additional costs of completing the Police Station Project; to determine whether this amount should be raised by transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

ARTICLE 3. To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds dated October 3, 2019 for the purpose of designing, constructing and originally equipping a new police station and remodeling, reconstructing and making extraordinary repairs to Town Hall, which bonds are the subject of a Proposition 2 ½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount, or to take any other action relative thereto.

ARTICLE 4. To see if the Town will vote to transfer the sum of $1,000,000.00, or any other sum, from Free Cash to the Police Station/Town Hall Project Account, or act in relation thereto.

ARTICLE 5. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be added to or to adjust the following amounts voted under Article 4 (the general budget) of the April 23, 2019 Annual Town Meeting:

<table>
<thead>
<tr>
<th>Dept.</th>
<th>Account</th>
<th>Original Appropriation</th>
<th>Adjusted Appropriation</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>General</td>
<td>IT Program Service Exp</td>
<td>46,000.00</td>
<td>48,500.00</td>
<td>2,500.00</td>
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<tr>
<td>Government</td>
<td>Town Clerk Expenses</td>
<td>7,800.00</td>
<td>10,800.00</td>
<td>3,000.00</td>
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<tr>
<td></td>
<td>Planning Salary &amp; Wages</td>
<td>82,655.00</td>
<td>105,655.00</td>
<td>23,000.00</td>
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<td>Parking Clerk</td>
<td>Parking Clerk Expenses</td>
<td>7,000.00</td>
<td>4,000.00</td>
<td>(3,000.00)</td>
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<tr>
<td>Library</td>
<td>Library Expenses</td>
<td>78,265.00</td>
<td>88,165.00</td>
<td>9,900.00</td>
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<tr>
<td>Debt Service</td>
<td>Long Term Debt Principal</td>
<td>980,845.00</td>
<td>1,010,845.00</td>
<td>30,000.00</td>
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<tr>
<td></td>
<td>Long Term Debt Interest</td>
<td>88,995.00</td>
<td>239,560.80</td>
<td>150,566.00</td>
</tr>
</tbody>
</table>

ARTICLE 6. To see if the Town will vote to authorize the payment of the following Fiscal Year 2019 bills, said sums to be taken from Free Cash; or take any other action in relation thereto.

Staples  $211.31
ARTICLE 7. To see if the Town will vote to transfer the sum of $42,000.00 or any other sum, from Free Cash Account, to purchase an administrative cruiser for the Police Department; or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to transfer the sum of $50,000.00 or any other sum, from the Ambulance Enterprise Free Cash Account, to purchase a power load stretcher system; or take any other action in relation thereto.

ARTICLE 9. To see if the Town will vote to transfer the sum of $150.00, or any other sum, from the Receipts Reserved Fire Alarm Account, to repair the fire alarm system; or take any other action in relation thereto.

ARTICLE 10. To see if the Town will vote to transfer the sum of $220,000.00, or any other sum, from Free Cash to repair/renovate 31 Plum Island Blvd for the purpose of providing seasonal restroom facilities and a Police Department annex; or take any other action in relation thereto.

ARTICLE 11. To see if the Town will vote to transfer or appropriate the sum of $137,000.00, or any other sum, from the Receipts Reserved Cable Television PEG Access Special Revenue Fund, for the support of PEG access service equipment and programming; or take any other action in relation thereto.

BY-LAWS - OTHERS

ARTICLE 12. To see if the Town will vote to sell a parcel of land off Orchard Street, containing approximately 7.4 acres, and shown on Assessors' Map R39 as Lot 5 which was acquired by the Town of Newbury through the issuance of a foreclosure judgment by the Massachusetts Land Court on September 26, 2016 for unpaid real estate taxes, as allowed by and in compliance with M.G.L. Chapter 30B, Sections 1 and 16, and to authorize the Board of Selectmen to enter into any and all documents required to effectuate said sale; or take any other action relative thereto.

ARTICLE 13. To see if the Town will vote to amend the Town of Newbury General Bylaws for the purpose of correcting typographical errors, adding or deleting punctuation, and adding or deleting non-substantive text as follows: (underline and bold is new language and cross-out is removed language)

Chapter 1, Article 1 Penalty; Enforcement; Operation; When Effective
§ 1-1 Enforcement; prosecution.
Except whenever otherwise provided by law, prosecution for offenses under the by-laws of the town, may be made by any constable or police officer of the town.

§ 1-6 By-Law Numerical Organization Authorization.
The Town Clerk is authorized to assign appropriate numbers or letters to by-law sections, subsections, paragraphs, and subparagraphs without Town Meeting approval. Additionally, the Town Clerk is authorized, without Town Meeting approval but only after consultation with the Board of Selectmen, to make non-substantive, editorial revisions to the general by-laws for the purpose of ensuring consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention.

Chapter 29 Police Department
§ 28-1 Department established; composition.
In any town which accepts this section, there shall be a Police Department established by the Selectmen and such department shall be under the supervision of an officer to be known as the Chief of Police.

Chapter 45 Beaches
§ 45-3 Littering prohibited.
No person shall discard trash, rubbish, garbage, or any other litter on any part of the public beach.
§ 45-4 Games restricted.  
All persons engaged in any sporting activities or games, including fishing and surfing shall do so only in areas designated by the lifeguards **lifeguards**, and shall discontinue such activity for public safety if instructed by the lifeguard **lifeguard** or a police officer.

§ 45-5 Fires prohibited.  
No person shall start or maintain **maintain** an open fire on any part of the public beach.

§ 45-7 Balls and other objects restricted.  
No person shall throw or cause to be thrown any ball, missile, projectile or other object, except in areas designated by the lifeguards **lifeguards** between May 15 and September 15 of each year, all dates inclusive.

§ 45-8 Camping prohibited.  
No person may **camp** tent, or sleep on any part of the public beach between the hours of 11:00 p.m. and 6:00 a.m. of each day.

Chapter 49 Burial Places  
§ 49-1 Funds; moneys and securities; investment.  
Funds, money or securities deposited with the Treasurer of the Town of Newbury for the preservation, care, improvement or embellishment of any public or private burial place within the Town of Newbury or of burial lots situated in such burial places may be received, held and applied. Such funds, money or securities shall be entered upon the books of the Treasurer of the Town and held in accordance with this by-law or, other ordinances or by-laws as from time to time adopted in accordance with Section 19 of Chapter 114 of the General Laws of Massachusetts (Tercentenary Edition,) or any amendments thereof or as otherwise authorized by law. The Town Treasurer shall invest all such funds, money or securities in accordance with the stipulations, if any, accompanying them and as ordered by the Selectmen and pay the income therefrom upon their order of **or** with their approval.

Chapter 56 Dogs and Other Animals  
§ 56-2 Enforcement  
B. If the Animal Control Officer determines that a bitch in heat, even when confined, is attracting other dogs thus causing a disturbance or damage to neighboring property or public areas, he may require the owner or keeper of said bitch to keep her in a kennel or remove her from the area until out of heat. The Animal Control Officer is authorized to require owners or keepers of dogs to restrain their dogs from running at large in schools, school playgrounds, parks or public recreation areas.

Chapter 60 Earth Removal  
§ 60-1 Removal of soil, loam, sand, gravel, quarry or other earth material.  
D. (10)(b)(10) Provision for a substantial fence enclosing the excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than 1 in 2. Such fence shall be located 10 feet or more from the edge **edge** of the excavation or quarry, and shall be at least 6 feet in height.

§ 60-5 Administration and enforcement.  
C. (1) If the notice of violation and order is not complied with promptly and within 10 days, the Building Inspector shall request the Selectmen to institute the appropriate action or proceeding **proceeding** at law or in equity to prevent any unlawful action, use, or condition and to restrain, correct, or abate such violation.

(2) Any person, trust, or other enterprise **enterprise** who violates or refuses to comply with any of the provisions of this By-Law may on conviction be fined a sum of One Hundred Dollars ($100.00) for each offense.

Chapter 63 Farming  
§ 63-3 Right to Farm Declaration.  
The right to farm is hereby recognized to exist within the Town of Newbury. The above-described activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming in the neighborhood, community, and society in general. The benefits and protections of this by-law are intended to apply exclusively to
those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

Chapter 71 Junk
§ 71-2 Issuance of licenses.
The Selectmen may license suitable persons to be collectors, or dealers in, or keepers of shops, yards or other premises for the purchase, sale, or barter, of junk, old metals, or second-hand articles, and including without limiting the foregoing, the Selectmen may issue motor vehicle junk licenses to any suitable persons whose principal business is the buying of second-hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts and may make such additional rules, regulations and restrictions as they deem proper, not inconsistent with the provisions of law or of these by-laws.

§ 71-6 Storage of junk restricted.
A. No person shall store or place, or permit to be stored or placed, on premises which he owns, leases or occupies, any debris, junk, scrap metals or other waste materials or products, which in the opinion of the Board of Selectmen shall be considered detrimental to the public safety, health and good unless the same shall be within a building or area unexposed to the view of the public and abutters.

§ 71-9 Permit required.
The Board of Selectmen may issue a permit to keep, store, etc., or allow more than one such motor vehicle to remain on such property.

§ 71-12 Violations and penalties.
Such permits or conditions granted may be revoked at the pleasure of the Board of Selectmen for any non-compliance of regulations or conditions of said permits and persons in violation may be punished by a fine not to exceed fifty ($50.00) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

Chapter 76 Licenses
§ 76-3 Hearings, notice, findings.
Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

Chapter 78 Marijuana
§ 78-1 Marijuana license required.
A. No person shall carry on the business of cultivating, processing, packaging, delivering, obtaining, manufacturing, process, package, branding, selling or otherwise transferring, or testing marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94C within the Town unless first duly licensed thereof by the Board of Selectmen, which license must be reviewed and renewed on an annual basis.

§ 78-3 Regulations.
A. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid and the conditions to be satisfied by any applicant for such a license.

§ 78-5 Hearing.
A. The Board of Selectmen must act upon the application at one of their next two regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

Chapter 82 Peace and Good Order
§ 82-1 Prohibited behavior.
No person shall behave in a disorderly manner, or accost or annoy persons of the opposite sex with an offensive or disorderly act or language; be lewd, wanton, and lascivious persons in speech or behavior; disturb the peace and good order of the Town.
§ 82-3 Littering prohibited. 
Whoever, in the presence of a police officer, or an officer authorized to serve criminal process, places on or throws into a public way, the sidewalk of a public way or a public alley, filth, rubbish, or other substance, and being requested by such officer forthwith to remove it, refuses or neglects so to do, and if the identity of such person is unknown to said officer, any may be arrested by such officer and detained in a safe place without a warrant until his identity is ascertained.

§ 82-5 Discharge of firearms prohibited on private property. 
No person shall fire or discharge any firearms on any private property except with the written consent of the owner of or the legal occupant thereof and such consent shall be carried at all times by any person hunting, and upon request shall be shown to any police officer, or officer of the Department of Conservation, or the property owner, or his agent; provided however, this section shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.

Chapter 88 Streets, Sidewalks and Commons 
§ 88-6 Sales on streets prohibited. 
No person shall continue to stand or remain in one place, in any street or public place, seeking to make sales or of any articles or in the exercise of any other business without expressed permission of the Selectmen Selectmen, or otherwise authorized by law.

§ 88-8 Vehicles on commons or sidewalks. 
B. No person shall operate, push, or tow any vehicle, motorized bicycle, or any other motorized machine, upon public commons within the town or upon any sidewalk, except for the purpose of crossing said sidewalk.

§ 88-14 Property abutting intersections; violations and penalties. 
Any person who violates these provisions and, after being notified of violation by either the Board of Selectmen, the Building Inspector, or the Police Department in writing, permits said violation to continue for 10 days after receipt of notice, may be punished by a fine of fifty dollars ($50). For the purposes of this section, each successive day during which any violation is committed or continued shall be deemed a separate offense. This section may be enforced through the alternative criminal disposition provisions set forth in G.L. c. 40, § 21D.

Chapter 93 Vehicles and Traffic
§ 93-1 Definitions. 
E. "Parking." The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading loading or unloading unloading, or obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicles.

F. "Crosswalks." That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian pedestrian crossing by lines on the road surface or by other markings or signs.

L. "Bus Stop." An area in the roadway set aside for boarding of or alighting from the parking of busses busses.

§ 93-3 Closing of streets. 
The police may close temporarily any street or highway in an impending or existing existing emergency, or for any lawful assemblage, demonstration or procession provided there is reasonable justification for the closing of such street.

§ 93-4 Temporary parking prohibitions. 
The police may prohibit, temporarily, parking on any street or highway or part thereof in an impending an impending or existing emergency, or for a lawful assemblage, demonstration or procession provided there is reasonable justifications for such prohibition.

§ 93-7 Annual traffic safety report. 
B. The number of traffic accidents investigated, the number of hazardous hazardous locations studied, and other pertinent data on the safety activities of the police.
§ 93-9 Signs authorized; display.
A. The Board of Selectmen is hereby authorized and as to those signs and signals required hereunder it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones.

§ 93-10 Unofficial signs prohibited.
It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed, without notice.

§ 93-22 Destruction of signs.
It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

§ 93-12 Location of certain uses; authority.
The location of all bus stops, taxi cab stands and service zones shall be specified by the Chief of Police and in the case of taxi cab stands the Chief of Police shall designate who may use them as such.

§ 93-13 Obedience to signs and signals required.
No driver of any vehicle or of any street car shall disobey the instructions of any official traffic control signal, sign, marking, marker, or legend, unless otherwise directed by a police officer.

§ 93-14 Parking regulations and prohibitions.
N. No person shall park a motor vehicle contrary to any signs or roadway markers.

§ 93-19 Right-of-ways restricted.
No person shall park in or in any way block with a motor vehicle any area designated and posted as a legal right of way by dedicated use or right of easement.

§ 93-22 Stop signs.
The following stop sign locations have been established by law, at which motor vehicles must come to a complete stop before proceeding through the intersection:

§ 93-23 House and building numbers required; design requirements.
It shall be the duty of every owner and/or occupant of each house, building and/or structure within the Town of Newbury to place thereon the number of said house, building or structure. The size, color, location and visibility of said numbers shall be as follows:

§ 93-25 Authority.
The foregoing rules and regulations are hereby enacted in accordance with requirements of Chapter 291 Acts of 1990, Chapter 40 Section 21, paragraph one, of the MGL and are to be enforced non-criminally under Chapter 40 Section 21D of the General Laws.

Chapter 95 Wetlands
§ 95-11 Rules and Regulations.
After public notice and public hearing, the Commission may promulgate rules and regulations to administer and enforce the Bylaw. Failure by the Commission to promulgate such rules and regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this Bylaw.

§ 95-13 Consultant services.
A. Upon receipt of an application for a Notice of Intent, Request for Determination of Applicability, Abbreviated Notice of Resource Area Delineation or at any time proceeding through the Commission's issuance of a Certificate of Compliance, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specified expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application.

Or take any action relative thereto.
AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, FOURTEEN DAYS AT LEAST BEFORE THE TIME OF HOLDING SAID MEETING.

HEREOF, FAIL NOT, AND MAKE DUE RETURN OF THE WARRANT WITH YOUR DOINGS THEREON TO THE TOWN CLERK AT THE TIME AND PLACE AFORESAID.

GIVEN UNDER OUR HANDS THIS 22nd DAY OF OCTOBER, 2019.

______________________________  ______________________________
Michael Day                     Alice S.

SELECTMEN, TOWN OF NEWBURY     A TRUE COPY ATTEST

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREFIN NAMED.

DATE:  CONSTABLE:
10/24/2019  William J. James

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HAVE NOTIFIED AND WARNED THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREFIN NAMED.

DATE:  CONSTABLE:
10/24/2019  William J. James